

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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WORLD MARKET CENTER VENTURE,)
LLC, a Nevada limited liability company,)

Plaintiff,)

vs.)

ELLEN STRICKLAND, an individual, and E.B.)
DESIGN WORKS 7 CO., INC., a Washington)
corporation,)

Defendants.)

ELLEN STRICKLAND, an individual, and E.B.)
DESIGN WORKS 7 CO., INC., a Washington)
corporation,)

Counter-Plaintiffs,)

vs.)

WORLD MARKET CENTER VENTURE,)
LLC, a Nevada limited liability company,)

Counter-Defendant.)

Case No.: 2:08-cv-00968-RLH-RJJ

ORDER

(Motion to Strike #126)

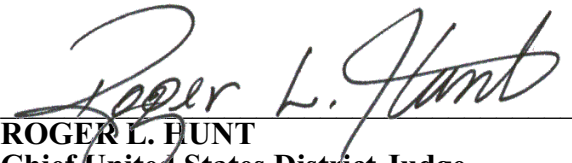
1 Before the Court is Defendants/Counter-Plaintiffs Ellen Strickland and E.B.
2 Designworks & Co., Inc.'s **Motion to Strike** (#126), filed February 4, 2011.
3 Defendants ask the Court to strike Plaintiff World Market Center Venture, LLC's Replies (Dkt.
4 ##120, 123) because they were filed after the two-week time period set out in old Federal Rule of
5 Civil Procedure 56(c)(1)(c), which was superseded as of December 1, 2010. Defendants timely
6 filed their Responses (Dkt. ##111, 113) on January 14, 2011. Therefore, the two week rule would
7 have required Plaintiff to reply by January 28, 2011. Plaintiff's filing on February 3 was,
8 therefore, almost one week late. However, the Court finds that this delay was not prejudicial to
9 Defendants and therefore denies Defendants' motion.

10 Further, Defendants alternatively request the opportunity to file sur-reply briefs to
11 address new issues and evidence that Plaintiff proffers in its Replies (Dkt. ##120, 123). However,
12 the Court determines that in lieu of allowing sur-reply briefing, it will simply not consider any new
13 issues or evidence that Plaintiff presented improperly in its Replies (Dkt. ##120, 123). *See JG v.*
14 *Douglas Cty. Sch. Dist.*, 552 F.3d 786, 803 n.14 (9th Cir. 2008) (holding that rather than granting a
15 party a chance to file a sur-reply, a district court may simply not consider the newly proffered
16 material.)

17 Accordingly, and for good cause appearing,

18 IT IS HEREBY ORDERED that Defendants Motion to Strike is DENIED.

19 Dated: February 7, 2011.

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22 **ROGER L. HUNT**
23 Chief United States District Judge
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